

## **EXHIBIT E**

***SMITHERS***

***VS.***

***FRONTIER AIRLINES INC***

**Deposition**

***SHAWN P. CHRISTENSEN***

*04/17/2019*

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***AB Court Reporting & Video***

*216 16th Street, Suite 600*

*Denver Colorado, 80202*

*303-296-0017*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Civ. Action No. 1:18cv676 (TSE/IDD)

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30(b)(6) DEPOSITION OF FRONTIER AIRLINES, INC., as  
given by SHAWN P. CHRISTENSEN  
April 17, 2019  
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ANNE SMITHERS, et al.,

Plaintiffs,

vs.

FRONTIER AIRLINES INC.,

Defendant.  
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1 APPEARANCES:

2 STONE & WOODROW LLP

By Thatcher Stone, Esq.

3 William T. Woodrow, III, Esq. (via  
videoconference)

4 Suite 201, Louis & Clark Plaza

250 West Main Street

5 Charlottesville, Virginia 22902

Appearing on behalf of Plaintiffs.

6 CHARLSON BREDEHOFT COHEN & BROWN, P.C.

7 By Elaine Charlson Bredehoft, Esq.

11260 Roger Bacon Drive, Suite 201

8 Reston, Virginia 20190

Appearing telephonically on behalf of  
9 Defendant.

10 CONDON & FORSYTH LLP

By Bartholomew J. Banino, Esq.

11 7 Times Square

New York, New York 10036

12 Appearing on behalf of Defendant.

13 Also present: Anne Smithers, via  
14 videoconference

1 reasonable suspicion tests.

2 Q Okay. And did anybody ever wonder if it  
3 was the other pilot they were talking about?

4 A No, because the information that I  
5 received was that it was -- the captain was  
6 intoxicated.

7 There wasn't -- at that point he didn't  
8 know who the passenger was, simply that there was a  
9 passenger that had made a statement that he was  
10 intoxicated. Nothing about the first officer.

11 Q Okay. Just briefly departing from this  
12 for a moment, from No. 3 --

13 A Yes.

14 Q -- and going to No. 6, how many complaints  
15 were received about that flight that day?

16 MR. BANINO: Again, Thatcher, this is  
17 outlined in our objections.

18 MR. STONE: That's okay. You can make it  
19 with the magistrate post hoc.

20 MR. BANINO: Right. But we stand on those  
21 objections.

22 MR. STONE: Fine, you stand on those  
23 objections. Make your motion post hoc.

24 MR. BANINO: Right. But you understand  
25 this is outside of those objections, right?

1 MR. STONE: It's not out -- it's not from  
2 our perspective until the magistrate rules. So the  
3 rule is the witness was propounded a question, he  
4 shall answer and then you can make your motion and  
5 get whatever covered by a motion in limine or  
6 otherwise, but you can't tell him not to answer a  
7 question at this deposition.

8 MR. BANINO: No, no. But Thatcher --

9 MR. STONE: Okay.

10 MR. BANINO: -- it's -- we don't have to  
11 make a motion. We have filed our objections. If  
12 he's going to answer he's going to answer it in his  
13 individual capacity --

14 MR. STONE: That's not true.

15 MR. BANINO: -- and if he knows.

16 MR. STONE: That's not true. He's going  
17 to answer in his capacity as a representative of  
18 Frontier who was identified in Item 6, and if you  
19 want to get the magistrate to agree with you rather  
20 than with me, you can make a motion after the  
21 deposition is taken. So --

22 MR. BANINO: I've stated my objection,  
23 Thatcher.

24 MR. STONE: Yeah, you've stated your  
25 objection.

1 MR. BANINO: I don't need to go any  
2 further.

3 Q (By Mr. Stone) How many complaints were  
4 received that day, do you know?

5 A I'm not sure --

6 Q Don't look at your counsel. You have to  
7 answer the question.

8 (Interruption by the court reporter.)

9 MR. BANINO: Thatcher, Thatcher, please  
10 stop. Please stop speaking over the witness, okay?  
11 The witness has expressed some confusion as to  
12 what's going on. The last thing he needs is you  
13 berating him or whatever it is you're doing, trying  
14 to speak over him, whatever it is you're doing.

15 MR. STONE: He looked right at me and  
16 asked a question.

17 MR. BANINO: And at me as well, because he  
18 doesn't understand because you are speaking over  
19 him. So please --

20 MR. STONE: That's fine.

21 MR. BANINO: -- I ask again that we  
22 conduct this as professionals.

23 MR. STONE: Fine. Your objection is  
24 noted. Now let him answer the question.

25 MR. BANINO: Fine. Okay.

1 MR. STONE: And the judge will decide  
2 whether it's inside or outside the scope of the  
3 30(b)(6) --

4 MR. BANINO: Right.

5 MR. STONE: -- and everything else you  
6 have objected to.

7 MR. BANINO: Right.

8 MR. STONE: Post hoc.

9 MR. BANINO: Absolutely.

10 MR. STONE: Okay.

11 MR. BANINO: And my objection is that this  
12 is outside the scope.

13 MR. STONE: You've said it twice.

14 MR. BANINO: Okay. You're asking him in  
15 his personal, but you keep telling me that that's  
16 not right.

17 MR. STONE: I disagree with you.

18 MR. BANINO: That's fine.

19 MR. STONE: That's why you're objecting.  
20 We disagree. So the judge will decide.

21 MR. BANINO: Fine. So he is answering in  
22 his individual capacity if he knows the answer.

23 MR. STONE: He's answering and the judge  
24 will decide if it's within the nine questions that  
25 we proposed or if not.

1 Q (By Mr. Stone) Okay? Do you trust the  
2 judge --

3 A I do.

4 MR. BANINO: Thatcher, please. Stop.

5 MR. STONE: Bart, stop the commentary.

6 Let me conduct my investigation in this deposition.

7 MR. BANINO: Thatcher --

8 MR. STONE: Stop it.

9 MR. BANINO: Thatcher, I don't have a  
10 problem with the deposition. I have a problem with  
11 your behavior.

12 MR. STONE: Well, then save it for later.

13 Q (By Mr. Stone) So, sir -- sorry for the  
14 interruption.

15 So were there many complaints received  
16 from anybody concerning that flight from Denver to  
17 Washington on that date, December 25th, 2017?

18 A To my knowledge, there were the social  
19 media Tweets from Mrs. Smithers, and also -- excuse  
20 me, who I believe was some sort of relation that  
21 said that she dropped her off, Mrs. Swann, or a  
22 Brittany Swann.

23 Q And no other complaints?

24 A Not that I'm familiar with.

25 Q Did you speak to Courtney, the customer

1 service person identified by Frontier as someone  
2 with knowledge of the matters in this case --

3 A I didn't.

4 Q -- to get informed about No. 6?

5 A I did not.

6 Q You did not. Okay.

7 MR. STONE: So we object to that, Bart.  
8 The witness is not prepared in accordance with the  
9 rule, preparations.

10 Q (By Mr. Stone) Are there any other --  
11 let's take a moment right --

12 MR. BANINO: Thatcher, Thatcher --

13 MR. STONE: Please don't talk over me.

14 MR. BANINO: No, no, no. You just made a  
15 statement that -- you can -- you can make your  
16 objection to this witness. This witness is fully  
17 informed and prepared to testify about all of the --

18 MR. STONE: Well, he just testified he  
19 wasn't informed and never spoke --

20 MR. BANINO: He doesn't --

21 MR. STONE: -- to Courtney and never fully  
22 informed himself, and I respect him.

23 MR. BANINO: He did not say that.

24 MR. STONE: Well --

25 MR. BANINO: He said he did not speak to

1 Courtney, period.

2 MR. STONE: That's right. Well, how else  
3 is he --

4 MR. BANINO: He does not have to speak to  
5 Courtney to be --

6 MR. STONE: He does.

7 MR. BANINO: -- a capable witness.

8 MR. STONE: If he's going to answer No. 6  
9 he does. So we'll let the magistrate figure that  
10 out.

11 MR. BANINO: That's fine.

12 MR. STONE: I take the man at his word.

13 Q (By Mr. Stone) And are there any others  
14 of these nine elements, Mr. Christensen, where you  
15 didn't go follow up and figure out what the facts  
16 were?

17 MR. BANINO: Thatcher, I'm going to -- I'm  
18 going to object that you're asking --

19 MR. STONE: Your objection is noted.

20 MR. BANINO: But you're asking him for a  
21 legal conclusion.

22 MR. STONE: No, I'm not. I'm asking him  
23 if he prepared.

24 Q (By Mr. Stone) So with respect to --

25 MR. BANINO: You're -- are you asking him

1 whether he has prepared for this deposition?

2 MR. STONE: Yeah, in -- in regard --

3 MR. BANINO: You can ask him whether he  
4 has prepared for this deposition.

5 MR. STONE: Yeah.

6 Q (By Mr. Stone) So with respect to No. 6,  
7 Mr. Christensen.

8 A Yes.

9 Q Did you prepare by determining the details  
10 of all the complaints that were received from any  
11 source --

12 A I read --

13 Q -- in preparation for this deposition?

14 A I read the social media texts and the  
15 online -- some sort of online forum, it looked like,  
16 that was posted, yes.

17 Q But you didn't read customer service  
18 details about how many people complained.

19 A If it was attached to the text, yes, or  
20 to -- not to the text, but to the social media  
21 postings, yes.

22 Q So you don't know if anybody else  
23 complained, if --

24 A To my knowledge --

25 Q -- it wasn't attached to Mrs. Smithers'

1 text. Is my --

2 A To my knowledge --

3 Q -- understanding correct?

4 MR. BANINO: Objection, because that was  
5 asked and answered, but you can ask again.

6 A Correct. I -- if it wasn't attached to  
7 that, I -- I do not know.

8 Q (By Mr. Stone) So if there were  
9 independent or other texts you didn't see them,  
10 correct?

11 MR. BANINO: Again, I'm going to object  
12 because that was asked and answered, but you can  
13 answer it again.

14 A Correct.

15 Q (By Mr. Stone) And if there were phone  
16 complaints -- did you see any records of any phone  
17 complaints about this flight on that date to that  
18 destination?

19 A I did not see any phone complaints  
20 associated with that flight.

21 Q Okay. Did you review the phone complaints  
22 records?

23 A No.

24 Q Okay. Let's go to -- let's go back to  
25 No. 3 --